



## Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

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Visit our web site: <http://www.mdaqmd.ca.gov>

Brad Poiriez, Executive Director

November 20, 2017

Carol Sutkus  
State of California  
Environmental Protection Agency  
Air Resources Board  
P. O. Box 2815  
Sacramento, California 95812

### **Project Title: Amendment of MDAQMD Rule 102 – *Definition of Terms***

Dear Ms. Sutkus:

The Mojave Desert Air Quality Management District (MDAQMD) requests that the California Air Resources Board submit amended Rule 102 – *Definition of Terms*, to the United States Environmental Protection Agency (USEPA) for inclusion in the State Implementation Plan (SIP).

The amendment of Rule 102 – *Definition of Terms* was necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity. Rule 102 was most recently amended on June 12, 2017 and submitted as a SIP revision. This current amendment will supersede the prior submittal. A complete SIP discussion is contained in the accompanying Staff Report §(VI)(E). This rule must be included in the SIP as it provides applicable definitions for other SIP rules.

The District requests CARB submit to USEPA the proposed amendments to Rule 102 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. The District also requests removal of all prior versions of Rule 102 from the Blythe/Palo Verde Valley portion of the MDAQMD.

If you have any questions regarding this submittal, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122. Please note that all documents required for a complete submission were sent electronically on November 20, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvio".

**Alan J. De Salvio**  
Deputy Director – Mojave Desert Operations

AJD/tw

CARB SIP Submittal Request MD Rule 102 112017

CALIFORNIA AIR RESOURCES BOARD

**SIP COMPLETENESS CHECKLIST**  
(Electronic Format)

\*\*\* TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB \*\*\*

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 102

Rule Title: Definition of Terms

Date Adopted or Amended: Amended October 23, 2017

**ADMINISTRATIVE MATERIALS**

*Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.*

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>COMPLETE COPY OF THE RULE:</u></b> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u></b> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. <b>(See Staff Report Appendix A)</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b><u>COMPLETE COPY OF THE REFERENCED RULE(S):</u></b> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>PUBLIC NOTICE EVIDENCE:</u></b> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. <b>(See Staff Report Appendix B)</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>RESOLUTION/MINUTE ORDER:</u></b> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>PUBLIC COMMENTS AND RESPONSES:</u></b> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. <b>(See Staff Report Appendix C)</b>

**SIP COMPLETENESS CHECKLIST**  
(Electronic Format)

\*\*\* TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB \*\*\*

- |                                     |                          |                                     |  |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <b><u>RULE EVALUATION FORM:</u></b> See instructions for completing the Rule Evaluation Form and the accompanying sample form.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b><u>NON-EPA TEST METHODS:</u></b> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b><u>MODELING SUPPORT:</u></b> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources ( $\geq 100$ TPY) in an attainment area for SO <sub>2</sub> , directly emitted PM <sub>10</sub> , CO, or NO <sub>x</sub> (for NO <sub>2</sub> purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required. |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b><u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u></b> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. <b>(See Staff Report)</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <b><u>ADDITIONAL MATERIALS:</u></b> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.   |

**APCD/AQMD RULE EVALUATION FORM – Page 1**  
(Electronic Format)**I. GENERAL INFORMATION**District: Mojave Desert Air Quality Management DistrictRule No(s): 102 Date adopted/Amended/Rescinded: Amended 10/23/17Rule Title(s): Definition of TermsDate Submitted to ARB: 11/20/2017If an Amended Rule, Date Last Amended (or Adopted): 09/25/17Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Tracy Walters Phone Number: (760) 245-1661 x6122 E-mail Address: twalters@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleThe proposed amendments to Rule 102 shift common definitions used in the MDAQMD rulebook to Rule 102, and update them for consistency and clarity.Pollutant(s) Regulated by the Rule (Check): ☐ ROG ☐ (NO<sub>x</sub>) ☐ SO<sub>2</sub>  
☐ (CO) ☐ PM ☐ TAC (name): \_\_\_\_\_**II. EFFECT ON EMISSIONS***Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.*Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/AEmission Reduction Commitment in SIP for this Source Category: N/AInventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate (Provide information on as many years as possible):

N/A



**APCD/AQMD RULE EVALUATION FORM - Page 2**  
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

*Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.*

**III. SOURCES/ATTAINMENT STATUS**

District is: ☐ Attainment ☐ Nonattainment ☒ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: 0

Percent in Nonattainment Area: 0%

Number of Large ( $\geq$  100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large ( $\geq$  100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary)*:

**IV. EMISSION REDUCTION TECHNOLOGY**

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) N/A of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: \_\_\_\_\_

**V. OTHER REQUIREMENTS**

The Rule Contains:

Emission Limits in Section(s): N/A Work Practice Standards in Section(s): N/A

Recordkeeping Requirements in Section(s): N/A Reporting Requirements in Section(s): N/A

**APCD/AQMD RULE EVALUATION FORM - Page 3**  
(Electronic Format)

**VI. IMPACT ON AIR QUALITY PLAN**

☒ No Impact      ☐ Impacts RFP      ☐ Impacts attainment

Discussion: The amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook in one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

**MINUTES OF THE GOVERNING BOARD  
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
VICTORVILLE, CALIFORNIA**

*AGENDA ITEM #14*

**DATE:** October 23, 2017

**RECOMMENDATION:** Conduct a public hearing to consider the amendment of Rule 102 – *Definition of Terms*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 102 and directing staff actions.

**SUMMARY:** Rule 102 is proposed for amendment to provide consistency and clarity of commonly used definitions contained in the District rulebook.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 102 – *Definition of Terms* for inclusion in the current rulebook.

Many terms are defined in multiple district rules. Staff has determined that the rulebook will be more clear and consistent by shifting common definitions to Rule 102 and updating many definitions for consistency. This rule is proposed for amendment to incorporate changes proposed to comply with the RACT SIP updates proposed for Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, Rule 463 – *Storage of Organic Liquids*, Rule 1115 – *Metal Parts & Products Coating Operations*, and Rule 1160 – *Internal Combustion Engines*.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 102 pursuant to the requirements of CEQA.

**REASON FOR RECOMMENDATION:** Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(I) (FCAA §110(I)) requires that all SIP revisions be adopted after public notice and hearing.

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I, Deanna Hernandez  
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR  
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY  
THE FOREGOING TO BE A FULL, TRUE AND CORRECT  
COPY OF THE RECORD OF THE ACTION AS THE SAME  
APPEARS IN THE OFFICIAL MINUTES OF SAID  
GOVERNING BOARD MEETING

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MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

**MINUTES OF THE GOVERNING BOARD  
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT  
VICTORVILLE, CALIFORNIA**

*AGENDA ITEM #14*

**PAGE 2**

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about October 10, 2017.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

**PRESENTER:** Alan De Salvio, Deputy Director – Mojave Desert Operations

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

Upon Motion by **BARBARA RIORDAN**, Seconded by **ED CAMARGO**, as approved by the following roll call vote:

**Ayes:**            **10**       **CAMARGO, COLE, COX, DECONINCK, LEONE, PEREZ,  
RIORDAN, RUSS, STANTON, WILLIAMS**

**Noes:**

**Absent:**        **3**        **HERNANDEZ, LOVINGOOD, RAMOS**

**Abstain:**

**Vacant:**

**DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER**

**BY** 

**Dated: OCTOBER 23, 2017**

**Reference Resolution 17-15, "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 102 – DEFINITION OF TERMS AND DIRECTING STAFF ACTIONS."**

**RESOLUTION NO. 17-15**

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE  
DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS,  
CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 102 –  
DEFINITION OF TERMS AND DIRECTING STAFF ACTIONS.**

On October 23, 2017, on motion by Board Member BARBARA RIORDAN,  
seconded by Board Member ED CAMARGO, and carried, the following resolution is  
adopted:

**WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) has  
authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728  
to adopt, amend or repeal rules and regulations; and

**WHEREAS**, the proposed amendments to Rule 102 are necessary to shift common  
definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency  
and clarity; and

**WHEREAS**, the proposed amendments to the rule are necessary as indicated herein  
and in the supporting documentation; and

**WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to  
amend rules and regulations; and

**WHEREAS**, the proposed amendments to Rule 102 are clear in that they are written  
so that the persons subject to the rule can easily understand the meaning because definitions  
have been consolidated and updated for consistency; and

**WHEREAS**, the amendments to Rule 102 are in harmony with, and not in conflict  
with, or contradictory to existing statutes, court decisions, or state or federal regulations;  
and

**WHEREAS**, the proposed amendments do not impose the same requirements as any  
existing state or federal regulation; and

**WHEREAS**, the proposed amendments to Rule 102 are needed in order shift  
common definitions used in the MDAQMD rulebook to Rule 102, and to update them for  
consistency and clarity; and

**WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to

**RESOLUTION NO. 17-15**

H&S Code §40725, concerning the amendments to Rule 102; and

**WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed amendments to Rule 102, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the Governing Board of the MDAQMD; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed amendments to Rule 102, and the Governing Board of the MDAQMD having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

**WHEREAS**, the Governing Board of the MDAQMD has considered the evidence presented at the public hearing; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the MDAQMD finds that the amendments to Rule 102 – *Definition of Terms* are necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

**BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed amendments to Rule 102; and

**BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 102, as set forth in the attachments to this resolution and incorporated herein by this reference; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption, and that the Executive Office Manager is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

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**RESOLUTION NO. 17-15**

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4 **PASSED, APPROVED and ADOPTED** by the Governing Board of the Mojave Desert Air  
5 Quality Management District by the following vote:

6 **AYES: 10 MEMBER: CAMARGO, COLE, COX, DECONINCK, LEONE,**  
7 **PEREZ, RIORDAN, RUSS, STANTON,**  
8 **WILLIAMS**

8 **NOES: MEMBER:**

9 **ABSENT: 3 MEMBER: HERNANDEZ, LOVINGOOD, RAMOS**

10 **ABSTAIN: MEMBER:**

11 )

12 STATE OF CALIFORNIA )

13 ) SS:

14 COUNTY OF SAN BERNARDINO)

15 )

16 I, Deanna Hernandez, Executive Office Manager of the Governing Board of the Mojave  
17 Desert Air Quality Management District, hereby certify the foregoing to be a full, true and  
18 correct copy of the record of the action as the same appears in the Official Minutes of said  
19 Governing Board at its meeting of October 23, 2017.

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19 Executive Office Manager  
20 Mojave Desert Air Quality Management District

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## Rule 102

### Definition of Terms

The definitions contained in this Rule shall apply to all rules within this Rulebook except when a term is otherwise provided in a specific rule or regulation.

- (1) Actual Emissions – The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable.
- (2) Aggregate Emissions – A facility-wide sum of Actual Emissions, on an emissions category specific basis, from emission units operated at a single facility.
- (3) Agricultural Burning – Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.
- (4) Agricultural Operations – Any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowls or animals for the primary purpose of making profit or for a livelihood, including the growing and harvesting of crops or the raising of fowl or animals, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (5) Agricultural Wastes – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The term does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon his determination that the waste is infested with infectious transmittable or contagious plant disease which is an immediate hazard to agricultural operation conducted on adjoining or nearby property.
- (6) Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee.
- (7) Air Contaminant or Air Pollutant – Any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or any combination thereof.

- (8) Air-dried Coating – A coating that is cured at a temperature below 90°C (194°F).
- (9) Annual Heat Input – The total Heat Input of fuels, in Btu, burned by a Permit Unit in a calendar year, as determined from the Higher Heating Value (HHV) and cumulative annual usage of each fuel.
- (10) Architectural Coatings – Any coatings applied to stationary structures and their appurtenances; to mobile homes, to pavements, or to curbs.
- (11) Atmosphere – That portion of the air which envelopes or surrounds the earth.
- (12) Baked Coating – Any Coating that is cured at a temperature at or above 90°C (194°F).
- (13) Boiler or Steam Generator – Any combustion equipment (fired with any fuel) used to produce steam. Boiler or Steam Generator does not include any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine.
- (14) Boundaries of the District – That region within California within which these rules are applicable. See Rule 103 – *Description of District Boundaries* for a description of the MDAQMD boundaries.
- (15) Breakdown – A condition other than a normal operating mode caused by a non-preventable mechanical or electrical failure, out of tolerance condition, or accidental occurrence such as fire, explosion, flooding, earthquake, etc.
- (16) California Air Resources Board (CARB) – The California Air Resources Board, the Executive Officer of CARB and his or her authorized representative, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
- (17) Capture Efficiency (or Capture System Efficiency) – The portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.
- (18) Carbon Monoxide (CO) – A colorless, odorless gas resulting from the incomplete combustion of hydrocarbon fuels.
- (19) CARB Certified (Certified by CARB) – A Phase I or Phase II vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component.
- (20) Certified Vapor Recovery System – A system to limit emissions of gasoline which has been certified by the California Air Resources Board in accordance with specific criteria listed within the California Administrative Code.

- (21) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner.
- (22) Combustible Refuse – Any solid or liquid combustible waste material containing carbon in a free or combined state.
- (23) Combustion Contaminants – Particulate Matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- (24) Compliance Schedule – The date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.
- (25) Compression-Ignited (IC) Internal Combustion Engine – An Internal Combustion Engine with operating characteristics significantly similar to the theoretical diesel combustive cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignited engine.
- (26) Continuous Emissions Monitoring System (CEMS) – All of the equipment that may be required to meet the data acquisition and availability requirements, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.
- (27) Control Device Efficiency – The ratio, in percent, of the weight of the pollutant removed by a control device from the process effluent stream entering the control device compared to the weight of pollutant entering the control device, both measured simultaneously.
- (28) Control Equipment – Air pollution control equipment which eliminates, reduces or controls the issuance of air contaminants.
- (29) Dip Coater – A type of application Equipment that coats an object by submerging the object in a vat of Coating, and subsequently withdrawing the object and draining off the excess Coating.
- (30) District – See Mojave Desert Air Quality Management District.
- (31) Dusts – Minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolition, shoveling, conveying, covering, bagging, grading, leveling, excavation, and sweeping.
- (32) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS).
- (33) Electrostatic Application – A method of applying Coating whereby atomized paint droplets are charged and subsequently deposited on the substrate by electrostatic attraction.

- (34) Emission Control System Operating Parameters – Any operating parameter(s) that the District deems necessary to analyze for the determination of compliance. Such parameters include, but are not limited to, the reagent flow rate, catalyst temperature, and exhaust gas flow rate.
- (35) Emissions Unit – Any article, machine, equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.
- (36) Equipment – Any article, machine, or other contrivance.
- (37) Excavation – Removal of surface covering, soil, pavement, etc. to expose underground equipment to view or to prepare a subsurface area for future construction.
- (38) Excess Organic Liquid Drainage
- (a) More than two (2) milliliters of liquid drainage per disconnect from a top loading operation; or
  - (b) More than ten (10) milliliters of liquid drainage from a bottom loading operation. Such liquid drainage shall be determined by computing the average drainage from three (3) consecutive disconnects at any one loading arm.
- (39) Executive Director – The Air Pollution Control Officer. See Air Pollution Control Officer.
- (40) Exempt Compound – Those compounds listed as excluded from the definition of Volatile Organic Compound in 40 CFR 51.100(s).
- (41) Existing Facility – Any Facility operating, constructed or under construction as of the date of adoption of rules related to such facility, unless otherwise specified in the rules.
- (42) Facility – Any Permit Unit, group of Permit Units, non-permitted Equipment, or any combination thereof which
- (a) Emits or may emit an Air Pollutant; and
  - (b) Belongs to a single major industrial group in the Standard Industrial Classification Manual; and
  - (c) Is located on a single parcel of land or on contiguous or adjacent property within the District; and
  - (d) Which is owned or operated by the same Person or by Persons under common control.
  - (e) For the purpose of this definition, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.

- (43) Federal Ozone Non-Attainment Area (FONA) – That portion of San Bernardino County that lies within the lines which begin at:
- (a) The San Bernardino - Riverside County boundary, running north along the range line common to Range 3 East and Range 2 East;
  - (b) Then west along the township line common to Township 2 North and Township 3 North;
  - (c) Then north along the San Bernardino - Los Angeles County Boundary and the San Bernardino - Kern County Boundary;
  - (d) Then east along latitude 35 degrees, 10 minutes north;
  - (e) Then south along longitude 115 degrees, 45 minutes west, and west along the San Bernardino - Riverside County Boundary.
- (44) Fixed Roof Tanks – A storage tank with a roof that is permanently affixed to the shell of the storage tank.
- (45) Floating Roof Tanks:
- (a) External Floating Roof – A vapor loss control device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge.
  - (b) Internal Floating Roof – A vapor loss control device consisting of a fixed roof with an internal-floating-type cover which prevents the release or emission to the atmosphere of organic vapors or gases at an efficiency equivalent to an approved External Floating Roof closure device.
- (46) Flow Coater – A Coating application system with no air supplied to the nozzle and where the paint flows over the part and the excess Coating drains back into the collection system.
- (47) Fugitive Dust – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.
- (48) Fugitive Liquid Leak – A dripping of liquid organic compounds at a rate in excess of three (3) drops per minute from any single leak source other than the disconnect operations of liquid fill line and vapor line.
- (49) Fugitive Vapor Leak – An escape of organic vapors from a source other than the tank truck, trailer or railroad tank car when measured in excess of 3,000 ppm (instrument calibrated with propane) above background at a distance of two (2) centimeters (0.8 inch) from the source for more than ten (10) seconds duration, or equivalent test method as determined by the APCO. (Background is the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and



uninfluenced by any specific emission source.) A “fugitive vapor leak source” does not include liquid spillage or condensate resulting from “fugitive liquid leaks”.

- (50) Gasoline – Any organic liquid including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.
- (51) Gasoline Transfer and Dispensing Facility – A mobile system or stationary facility, consisting of one or more storage tanks and associated equipment, which receive, store and dispense gasoline.
- (52) Gasoline Vapors – The organic compounds of gasoline, which exist in a vapor state including, where present, entrained liquid gasoline.
- (53) Hearing Board – The Hearing Board of the Mojave Desert Air Quality Management District.
- (54) Heat Input – The chemical heat released due to fuel combustion in a Permit Unit, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
- (55) Higher Heating Value (HHV) – The total heat liberated, including the heat of condensation of water, per mass of fuel burned (Btu per pound) when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to standard conditions.
- (56) High-Volume, Low-Pressure (HVLV) – A coating application system which is operated at air pressures between 0.1 and 10 pounds per square inch gauge (psig) measured dynamically at the center of the air cap and at the air horns.
- (57) Increments of Progress – Steps to be taken by an owner or operator to bring a source of air contaminants into compliance. See definition of “Schedule of Increments of Progress”.
- (58) Liquid Tight – A liquid leak rate of no more than 3 drops per minute.
- (59) Loading Facility – Any aggregation or combination of organic liquid loading equipment which is under the control of one person at a single location.
- (60) Mobile Fueler – Any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank.
- (61) Mojave Desert Air Quality Management District – The independent special district responsible for all aspects of air quality management as defined in Health and Safety Code §39038.3 and created pursuant to Chapter 13 (commencing with §41200) of Part 3, within that region of California within the boundaries as defined in Rule 103. See Rule 103 – *Description of District Boundaries*.

- (62) Motor Vehicle – Any self-propelled vehicle, including, but not limited to cars, trucks, buses, golf carts, vans, motorcycles, recreational vehicles, tanks, and armored personnel carriers as defined in Sections 415 and/or 670 of the California Vehicle Code. See Registered Motor Vehicle.
- (63) Multiple Chamber Incinerator – Any Equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.
- (64) Non-Absorbent Container – A container made of non-porous material that does not allow the migration of Solvents through it.
- (65) Oil-Effluent Water Separator – Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (66) Operator – That person in charge of a particular operation subject to air pollution control. See definition of “Owner”.
- (67) Organic Liquid – Any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions.
- (68) Organic Materials – Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- (69) Organic Solvents – Includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point higher than 104 °C (219 °F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104 °C (219 °F).
- (70) Overall Control Efficiency (CE) – The ratio of the weight of a Regulated Air Pollutant removed by an emission control system to the total weight of that Regulated Air Pollutant emitted from a controlled operation, both measured simultaneously.
- (71) Owner – That person ultimately responsible for a particular operation. Typically, “Owner/Operator” refers to any person in control or responsible for operations subject to air pollution control. See definition of “Person”.
- (72) Oxides of Nitrogen (NO<sub>x</sub>) – The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide (NO<sub>2</sub>).
- (73) Particulate Matter (PM) – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

- (74) Particulate Matter (PM<sub>10</sub>) – Particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers as measured by a reference method based on appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method.
- (75) Particulate Matter (PM<sub>2.5</sub>) – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers as measured by a reference method based on appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method.
- (76) Parts Per Million (ppm) – Parts per million.
- (77) Parts per Million by Volume (ppmv) – The number of gas molecules of a given species, or group, in one million total gas molecules.
- (78) Permit Unit – Any Emissions Unit or equipment which is required to have a Permit to Operate pursuant to District Rule 203 – *Permit to Operate*.
- (79) Person – Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal Law.
- (80) Photochemically Reactive Solvent – Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:
- (a) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene; five (5) percent;
  - (b) A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: eight (8) percent;
  - (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

- (81) Potential to Emit (PTE) – The maximum capacity of a Facility to emit any air pollutant under its physical and operational design. Calculation methods, inclusions and exclusions are program specific and can be found in other District Rules.

- (82) Precursor – A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Ammonia	(a) PM <sub>10</sub> and PM <sub>2.5</sub>
Hydrocarbons and substituted hydrocarbons (Reactive Organic Compounds and Volatile Organic Compounds)	(a) Photochemical oxidant (ozone, O <sub>3</sub> ) (b) The organic fraction of PM <sub>10</sub> and PM <sub>2.5</sub>
Nitrogen oxides (NO <sub>x</sub> )	(a) Nitrogen dioxide (NO <sub>2</sub> ) (b) The nitrate fraction of PM <sub>10</sub> and PM <sub>2.5</sub> (c) Photochemical oxidant (ozone, O <sub>3</sub> )
Sulfur oxides (SO <sub>x</sub> )	(a) Sulfur dioxide (SO <sub>2</sub> ) (b) Sulfates (SO <sub>4</sub> ) (c) The sulfate fraction of PM <sub>10</sub> and PM <sub>2.5</sub>
Hydrogen Sulfide (H <sub>2</sub> S)	(a) Sulfur dioxide (SO <sub>2</sub> ) (b) Sulfates (SO <sub>4</sub> ) (c) The sulfate fraction of PM <sub>10</sub> and PM <sub>2.5</sub>

- (83) Predictive Emissions Monitoring System (PEMS) – The equipment necessary to monitor process and Emission Control Equipment operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.
- (84) Pressure/Vacuum Relief Valve – A valve that is installed on the vent pipes of the Gasoline storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum.
- (85) Process Weight – The total weight of all materials introduced into any specific process which may discharge contaminants into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and air will not.
- (86) Process Weight per Hour – The total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- (87) Rated Brake Horsepower – The continuous brake horsepower rating specified for the engine by the manufacturer or listed on the nameplate of the unit, unless otherwise physically limited and specified by a condition on the engine's permit or District registration.
- (88) Rated Heat Input – The Heat Input capacity (in MMBtu/hr) specified on the nameplate of the unit, unless:

- (a) The unit is limited by permit condition to a lesser Heat Input than specified on the nameplate, in which case the limiting condition shall be used as the Rated Heat Input; or
  - (b) The unit is operated above the Heat Input capacity specified on the nameplate, in which case the maximum operated rate shall be used as the Rated Heat Input.
- (89) Reasonably Available Control Technology (RACT) – The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (90) Receptor Area – That specified geographic area in which the air contaminants emitted from a source area are present or to which they may be transported.
- (91) Reduction of Animal Matter – Any heated process used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.
- (92) Registered Motor Vehicle – Any motor vehicle which is registered or requires registration for use on the highway.
- (93) Regulated Air Pollutant – Any Air Pollutant that is subject to the provisions of State or Federal law or the regulations promulgated thereunder. Inclusion and exclusions of particular Air Pollutants are program specific and can be found in other District Rules.
- (94) Regulation – Any of the major subdivisions of the Rules of the Mojave Desert Air Quality Management District.
- (95) Retail Gasoline Station – Any motor vehicle refueling facility subject to payment of California sales tax on gasoline sales.
- (96) Roll Coater – A type of application Equipment in which a series of mechanical rollers form a thin Coating film on the surface of a roller, which is subsequently applied to a substrate by moving the substrate underneath the roller.
- (97) Rule – A rule of the Mojave Desert Air Quality Management District.
- (98) Schedule of Increments of Progress – A statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:
- (a) The date of submittal of the final plan for the control of emissions of air contaminants from that source to the District.
  - (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
  - (c) The date of initiation of on-site construction or installation of emission control equipment or process change.

- (d) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
  - (e) The date by which final compliance is to be achieved.
  - (f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.
- (99) Solid Particulate Matter – Particulate matter which exists as a solid at standard conditions.
- (100) Solvent – Any liquid containing a Volatile Organic Compound or combination of Volatile Organic Compounds, which is used as a diluent, thinner, dissolver, viscosity reducer, cleaning agent, or for other similar uses. A Solvent may be a single compound or a blend of two (2) or more compounds.
- (101) Source Area – That specified geographic area in which air contaminants are emitted.
- (102) South Coast Air Quality Management District (SCAQMD) – The air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).
- (103) Standard Conditions – A gas temperature of 15.5 °C (60 °F) and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.
- (104) Submerged Fill Loading - is a type of organic liquid loading operations where the discharge opening is completely submerged when the liquid level above the bottom of the vessel is eight centimeters (3.2 inches) or higher.
- (105) Submerged Fill Pipe – Any fill pipe the discharge opening of which is completely submerged when the liquid level is 15 centimeters six (6) inches) above the bottom of the container or when applied to a container which is loaded from the side, it means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container.
- (106) Switch Loading – A transfer of organic liquids with a vapor pressure of less than 77.5 mm HG (1.5 psia) under actual loading condition into any tank truck, trailer or railroad tank car that was previously loaded with an organic liquid with a vapor pressure of 77.5 mm HG (1.5 psia) or greater.
- (107) Tank Replacement – The removal and installation of a new or another storage tank.
- (108) Touch-Up Coating – Any coating used to cover minor imperfections appearing after the main coating operation.
- (109) Throughput – The mass or volume of a material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc.
- (110) True Vapor Pressure – The true vapor pressure under actual storage conditions as determined by the test method ASTM D-323-82.



- (111) United States Environmental Protection Agency (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (112) Vapor Recovery System – A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors.
- (113) Vapor Recovery System Efficiency – The estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s), in the Authority To Construct (ATC) and/or the Permit To Operate (PTO) of an emissions unit or process. Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency.
- (114) Vapor Tight – The detection of less than 10,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21.
- (115) Vehicle – A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
- (116) Volatile Organic Compound (VOC) – Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and Exempt Compounds.

[SIP: See SIP Table at <http://www.mdaqmd.ca.gov>]

*AGENDA ITEM #9*

I, Deanne Hernandez  
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR  
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY  
THE FOREGOING TO BE A FULL, TRUE AND CORRECT  
COPY OF THE RECORD OF THE ACTION AS THE SAME  
APPEARS IN THE OFFICIAL MINUTES OF SAID  
GOVERNING BOARD MEETING  
[Signature]  
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER  
BY   
Dated: SEPTEMBER 25, 2017

*Mojave Desert*  
Air Quality Management District

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Final  
Staff Report  
Amendments to  
Rule 102 – *Definition of Terms*

Amended on  
October 23, 2017

14306 PARK AVE, VICTORVILLE, CA 92392-2310  
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# STAFF REPORT

## TABLE OF CONTENTS

### Rule 102 – *Definition of Terms*

I. PURPOSE OF STAFF REPORT .....	1
II. EXECUTIVE SUMMARY .....	1
III. STAFF RECOMMENDATION .....	1
IV. LEGAL REQUIREMENTS CHECKLIST .....	2
V. DISCUSSION OF LEGAL REQUIREMENTS .....	3
A. REQUIRED ELEMENTS/FINDINGS .....	3
1. State Findings Required for Adoption of Rules & Regulations .....	3
a. Necessity .....	3
b. Authority .....	3
c. Clarity .....	3
d. Consistency .....	3
e. Nonduplication .....	3
f. Reference .....	4
g. Public Notice & Comment, Public Hearing .....	4
2. Federal Elements (SIP Submittals, Other Federal Submittals) .....	4
a. Satisfaction of Underlying Federal Requirements .....	4
b. Public Notice and Comment .....	4
c. Availability of Document .....	4
d. Notice to Specified Entities .....	5
e. Public Hearing .....	5
f. Legal Authority to Adopt and Implement .....	5
g. Applicable State Laws and Regulations Were Followed .....	5
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS .....	5
C. ECONOMIC ANALYSIS .....	6
1. General .....	6
2. Incremental Cost Effectiveness .....	6
D. ENVIRONMENTAL ANALYSIS (CEQA) .....	6
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS .....	6
1. Potential Environmental Impacts .....	6
2. Mitigation of Impacts .....	7
3. Alternative Methods of Compliance .....	7
F. PUBLIC REVIEW .....	7
VI. TECHNICAL DISCUSSION .....	7
A. SOURCE DESCRIPTION .....	7
B. EMISSIONS .....	7
C. CONTROL REQUIREMENTS .....	7
D. PROPOSED RULE SUMMARY .....	7
E. SIP HISTORY .....	8
1. SIP History .....	8
a. SIP in the San Bernardino County Portion of MDAQMD .....	8
b. SIP in the Riverside County Portion of the MDAQMD .....	9

2. SIP Analysis .....	10
Appendix A - Iterated Version.....	A-1
Appendix B - Public Notice Documents.....	B-1
Appendix C - Public Comments and Responses.....	C-1
Appendix D - California Environmental Quality Act Documentation .....	D-1
Appendix E - Bibliography .....	E-1

## **List of Acronyms**

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO <sub>x</sub>	Oxides of Nitrogen
RACT	Reasonably Available Control Technology
RFP	Reasonable Further Progress
SBCAPCD	San Bernardino County APCD
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO <sub>x</sub>	Oxides of Sulfur
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds



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## **STAFF REPORT**

### *Rule 102 – Definition of Terms*

#### **I. PURPOSE OF STAFF REPORT**

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

#### **II. EXECUTIVE SUMMARY**

The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 102 – *Definition of Terms* for inclusion in the current rulebook.

Many terms are defined in multiple district rules. In addition, many of these definitions are exact or near exact duplicates of each other. Pursuant to Governing Board direction regarding streamlining, the Air Pollution Control Officer (APCO) has determined that shifting common definitions to Rule 102 and updating them for consistency will improve clarity. This rule is proposed for amendment to incorporate changes proposed to comply with the RACT SIP updates proposed for Rule 461 – *Gasoline Transfer and Dispensing*, Rule 462 – *Organic Liquid Loading*, Rule 463 – *Storage of Organic Liquids*, Rule 1115 – *Metal Parts & Products Coating Operations*, and Rule 1160 – *Internal Combustion Engines*.

The amendment of Rule 102 – *Definitions of Terms* will be an ongoing process. Rule 102 will continue to be updated as needed when other District rules are proposed for amendment and contain definitions that need to be moved.

#### **III. STAFF RECOMMENDATION**

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rule 102 – *Definition of Terms* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to streamline the District rulebook.

The Governing Board of the Mojave Desert Air Quality Management District amended Rule 102 – *Definition of Terms* on October 23, 2017.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 102 – *Definition of Terms*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

##### **FINDINGS REQUIRED FOR RULES & REGULATIONS:**

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

##### **REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):**

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

##### **ELEMENTS OF A FEDERAL SUBMISSION:**

- N/A Elements as set forth in applicable Federal law or regulations.

##### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):**

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

##### **OTHER:**

- X Written analysis of existing air pollution control requirements
- N/A Economic Analysis
- X Public Review

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendments to Rule 102 – *Definition of Terms*. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

#### 1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

##### a. Necessity:

The proposed amendments to Rule 102 are necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

##### b. Authority:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

##### c. Clarity:

The proposed amendments to Rule 102 are clear in that they are written so that the persons subject to the rule can easily understand the meaning because definitions have been consolidated and updated for consistency.

##### d. Consistency:

The proposed amendments to Rule 102 are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions.

##### e. Nonduplication:

The proposed amendments to Rule 102 do not impose the same requirements as any existing state or federal law or regulation because existing rulebook definitions have been consolidated and updated for consistency.

f. Reference:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rule 102 was published September 22, 2017. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. The information below indicates which elements are required for the proposed amendments to Rule 102 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to Rule 102 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 102 is included in the MDAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0. In addition, FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP). Please see subsection (VI)(E) below for the applicable demonstration.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 102 was published September 22, 2017. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendments to Rule 102 and the accompanying draft staff report were made available to the public on September 11, 2017. The proposed amendments were reviewed by the Technical Advisory Committee (TAC) on October 3, 2017, a committee consisting of a variety of regulated industry and local governmental entities. There were no objections from the TAC on the draft rule presented. It was the consensus of the TAC to

recommend submittal of Rule 102 to the Governing Board for adoption on October 23, 2017.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 102 and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) on September 11, 2017.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 102 was held on October 23, 2017.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Subsection (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Subsection (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Subsection (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Subsection (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. Rule 102 does not impose any air pollution control requirements as the rule simply contains definitions for District rules. Therefore the preparation of a written analysis of existing air pollution control requirements that apply to the same equipment or source type is not required.

## C. ECONOMIC ANALYSIS

### 1. General

The proposed amendments to Rule 102 will not have an adverse economic impact on the entities subject to the proposed rule. This rule simply consolidates and clarifies existing common definitions in the District rulebook into one definition rule.

### 2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NOx) or oxides of sulfur (SOx).

The proposed amendment of Rule 102 is not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or “all feasible measures”.

## D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 102 was determined.

1. The proposed amendments to Rule 102 meet the CEQA definition of “project”. They are not “ministerial” actions.

2. The proposed amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

## E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

### 1. Potential Environmental Impacts

The proposed amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook into one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Subsection (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The definitions in Rule 102 apply to all rules in the District rulebook except when a term is otherwise specifically defined in a specific rule or regulation.

B. EMISSIONS

The proposed amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook in one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

C. CONTROL REQUIREMENTS

There are no control requirements in the amendments to Rule 102.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 102.

Underlined text identifies new or revised language.

~~Lined out~~ text identifies language which is being deleted.

Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.

*[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

Please refer to the iterated version of Rule 102 in Appendix “A” of this Staff Report for any additions, deletions and changes to definitions.



## E. SIP HISTORY

### 1. SIP History.

#### a. SIP in the San Bernardino County Portion of MDAQMD

Rule 102 was originally adopted on 01/07/76 by the Southern California Air Pollution Control District (So.Cal.APCD) which was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San Bernardino Counties to replace the previous county-wide air pollution control districts for those counties. The rule was subsequently amended on 10/08/76. On 02/01/77, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815) the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). Outlying areas remained under the So. Cal. APCD. Also on 02/01/77 the California Air Resources Board (CARB) issued Executive Order G-73 (1977) which adopted a “rule book” for those non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. CARB submitted the Executive Order G-73 (1977) rulebook on behalf of the “county” districts and these rule books included Rule 102. Rule 102 was allegedly partially disapproved as a SIP revision on 8/5/1977 (40 CFR 52.236(e)(4)) and then approved into the SIP on 6/14/1978 (43 FR 25684; 40 CFR 52.220(c)(37)(i)(A)).

By its terms Executive Order G-73 (1977) was only effective until the non-SCAB areas took other action. On 02/22/77 the JPA forming the So.Cal.APCD was formally dissolved. By the terms of the JPA upon dissolution each county would regain its county air pollution control district with a jurisdiction of the non-SCAB areas of the county and the applicable rules being the So.Cal.APCD’s rules in effect upon the date of dissolution. Thus, as of 02/22/77 the version of Rule 102 for the San Bernardino County APCD (SBCAPCD) reverted from the G-73 (1977) CARB version back to the original So.Cal.APCD 10/08/76 version.

On 07/25/77 the SBCAPCD readopted its rulebook including Rule 102. It was submitted on 11/4/1977 for inclusion into the SIP. It was partially disapproved on 12/21/1978 (43 FR 59489; 40 CFR 52.220(c)(42)(xiii)(A) and 52.228 (b)(1)(iv)). The action retained various definitions belonging to then rescinded Regulation VI – *Orchard and Citrus Grove Heaters* and disapproving the definitions “fugitive liquid leak” and “fugitive vapor leak.” Rule 102 was subsequently amended on 12/19/1988, submitted as a SIP

revision and fully approved on 11/27/1990 (55 FR 49281; 40 CFR 52.220(c)(179)(i)(B)).

On 07/01/93 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Therefore, the current (12/19/1988) version is the one contained in the SIP.

The MDAQMD has subsequently amended Rule 102 on 06/12/2017 and was submitted by CARB as a SIP revision on 08/09/2017. This current amendment will supersede the prior submittal.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left the SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

The So.Cal.APCD version of Rule 102 as originally adopted 01/07/1976 and amended on 10/8/1976 and was also effective in Riverside County. In an interesting twist the Executive Order G-73 (1977) rulebook for Riverside County (submitted on the same day 2/10/1977 and in the same submission) was approved without reservation on 6/14/1978 (43 FR 25684; 40 CFR 52.220(c)(37)(i)(A)).

As of 01/01/78 the non-SCAB portions of Los Angeles, Riverside and San Bernardino Counties were allowed to “opt in” to SCAQMD (Cal Stats 1977 Ch 1195 pg. 4005). Both Los Angeles

and Riverside counties did so while San Bernardino County did not. SCAQMD amended Rule 102 on both 04/01/1977 and 09/02/1977 (pre Riverside County “opt in”) and submitted it as a SIP revision for its jurisdiction, which at that point DID NOT legally include the desert portions Riverside County, on 10/31/1977 and 11/4/1977. Approvals for these versions apparently occurred in 1978 (See 40 CFR 52.220(c)(41)(xiv)(A); 52.220(c)(42)(xiv)(A); and 52.220(c)(44)(v)(A)). After the inclusion of the non-SCAB portions of Riverside County, SCAQMD amended Rule 102 two more times on November 4, 1988 and July 9, 1993 presumably submitting them to USEPA as SIP revisions each time. It is unclear as to the result of these two submissions. Given this uncertainty the current SIP rule for the Blythe/Paloverde Valley area of Riverside County appears to be whichever is the latest version approved in 1978 at 40 CFR 52.220(c)(41)(xiv)(A), 52.220(c)(42)(xiv)(A), or 52.220(c)(44)(v)(A).

The MDAQMD has subsequently amended Rule 102 on 06/12/2017 and this version was submitted by CARB as a SIP revision on 08/09/2017. This current amendment will supersede the prior submittal.

## 2. SIP Analysis.

The District will request CARB to submit to USEPA the proposed amendments to Rule 102 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. The District also requests removal of all prior versions of Rule 102 from the Blythe/Palo Verde Valley portion of the MDAQMD, and that the Region IX SIPs webpage be updated to reflect the appropriate SIP information.

All the definitions proposed to be moved into Rule 102 or updated have been derived from either existing SIP rules or from SIP pending rules. Cross references to such rules have been provided in the *[bracketed italicized]* notes contained in the redline version of the rule located in Appendix “A” of this Staff Report. Specific source material for particular definitions will be provided upon request.

## **Appendix “A”**

### Rule 102 – *Definition of Terms* Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1.     Underlined text identifies new or revised language.
2.     ~~Lined out text~~ identifies language which is being deleted.
3.     Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4.     *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

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## Rule 102

### Definition of Terms

The definitions contained in this Rule shall apply to all rules within this Rulebook except when a term is otherwise ~~specifically~~ provided in a specific rule or regulation.

- (1) Actual Emissions – The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable.
- (2) Aggregate Emissions – A facility-wide sum of Actual Emissions, on an emissions category specific basis, from emission units operated at a single facility.
- (3) Agricultural Burning – Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.
- (4) Agricultural Operations – Any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowls or animals for the primary purpose of making profit or for a livelihood, including the growing and harvesting of crops or the raising of fowl or animals, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (5) Agricultural Wastes – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The terms does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon his determination that the waste is infested with infectious transmittable or contagious plant disease which is an immediate hazard to agricultural operation conducted on adjoining or nearby property.
- (6) Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee.

- (7) Air Contaminant or Air Pollutant – Any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or any combination thereof.
- (8) Air-dried Coating -- A coating that is cured at a temperature below 90°C (194°F).  
[Moved from Rule 1115. See also: Rule 1106.]
- (98) Annual Heat Input – The total Heat Input of fuels, in Btu, burned by a Permit Unit in a calendar year, as determined from the Higher Heating Value (HHV) and cumulative annual usage of each fuel.
- (109) Architectural Coatings – Any coatings applied to stationary structures and their appurtenances; to mobile homes, to pavements, or to curbs.
- (110) Atmosphere – That portion of the air which envelopes or surrounds the earth.
- (12) Baked Coating -- Any Coating that is cured at a temperature at or above 90°C (194°F).  
[Moved from Rule 1115. See also: Rule 1106.]
- (134) Boiler or Steam Generator – Any combustion equipment (fired with any fuel) used to produce steam. Boiler or Steam Generator does not include ~~and any~~ waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine.  
[Typographical error corrected.]
- (142) Boundaries of the District – That region within California within which these rules are applicable. See Rule 103 – *Description of District Boundaries* for a description of the MDAQMD boundaries.
- (153) Breakdown – A condition other than a normal operating mode caused by a non-preventable mechanical or electrical failure, out of tolerance condition, or accidental occurrence such as fire, explosion, flooding, earthquake, etc.
- (164) California Air Resources Board (CARB) – The California Air Resources Board, the Executive Officer of CARB and his or her authorized representative, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
- (175) Capture Efficiency (or Capture System Efficiency) – The portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.
- (186) Carbon Monoxide (CO) – A colorless, odorless gas resulting from the incomplete combustion of hydrocarbon fuels.
- ~~(197)~~ CARB Certified (eCertified by CARB) – A Phase I or Phase II vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to

Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component.[new to D2, SCAQMD Rule 461, 4/6/2012]

- (20) Certified Vapor Recovery System – A system to limit emissions of gasoline which has been certified by the California Air Resources Board in accordance with specific criteria listed within the California Administrative Code.
- (210) Coating -- A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner. [Derived from Rule 1106. See also: 1113, 1116.]
- (221+8) Combustible Refuse – Any solid or liquid combustible waste material containing carbon in a free or combined state.
- (232+9) Combustion Contaminants – Particulate Matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- (2430) Compliance Schedule – The date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.
- (2541) Compression-Ignited (IC) Internal Combustion Engine – An Internal Combustion Engine with operating characteristics significantly similar to the theoretical diesel combustive cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignited engine.
- (2562) Continuous Emissions Monitoring System (CEMS) – All of the equipment that may be required to meet the data acquisition and availability requirements ~~of this rule~~, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis. [Reference to “of this rule” removed since there are no CEMS requirements in Rule 102, but rather in a specific rule or regulation in the MDAQMD Rule Book. Change pursuant to USEPA comment.]
- (2637) Control Device Efficiency – The ratio, in percent, of the weight of the ~~VOC~~pollutant removed by a control device from the process effluent stream entering the control device compared to the weight of ~~VOC~~pollutant entering the control device, both measured simultaneously. [Clarification provided pursuant to USEPA comment.]
- (2748) Control Equipment – Air pollution control equipment which eliminates, reduces or controls the issuance of air contaminants.



(~~289~~) Dip Coater – A type of Application Equipment that coats an object by submerging the object in a vat of Coating, and subsequently withdrawing the object and draining off the excess coating. *[Derived from MDAQMD Rule 1117, and used in the current amendment of Rule 1115.]*

(~~295~~30) District – See Mojave Desert Air Quality Management District.

(~~302~~631) Dusts – Minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolition, shoveling, conveying, covering, bagging, grading, leveling, excavation, and sweeping.

(~~312~~732) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS).

(~~328~~33) Electrostatic Application – A method of applying Coating whereby atomized paint droplets are charged and subsequently deposited on the substrate by electrostatic attraction.

(~~332~~934) Emission Control System Operating Parameters – Any operating parameter(s) that the District deems necessary to analyze for the determination of compliance. Such parameters include, but are not limited to, the reagent flow rate, catalyst temperature, and exhaust gas flow rate.

(~~340~~35) Emissions Unit – Any article, machine, equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.

(~~351~~36) Equipment – Any article, machine, or other contrivance.

(~~362~~37) Excavation – Removal of surface covering, soil, pavement, etc. to expose underground equipment to view or to prepare a subsurface area for future construction.

(~~373~~38) Excess Organic Liquid Drainage

(a) More than two (2) milliliters of liquid drainage per disconnect from a top loading operation; or

(b) More than ten (10) milliliters of liquid drainage from a bottom loading operation. Such liquid drainage shall be determined by computing the average drainage from three (3) consecutive disconnects at any one loading arm.

(~~384~~39) Executive Director – The Air Pollution Control Officer. See Air Pollution Control Officer.

(~~39540~~) Exempt Compound – Those compounds listed as excluded from the definition of Volatile Organic Compound in 40 CFR 51.100(s).

(~~403641~~) Existing Facility – Any Facility operating, constructed or under construction as of the date of adoption of rules related to such facility, unless otherwise specified in the rules. *[Clarification added pursuant to USEPA comment.]*

(~~413742~~) Facility – Any Permit Unit, group of Permit Units, non-permitted Equipment, or any combination thereof which

- (a) Emits or may emit an Air Pollutant; and
- (b) Belongs to a single major industrial group in the Standard Industrial Classification Manual; and
- (c) Is located on a single parcel of land or on contiguous or adjacent property within the District; and
- (d) Which is owned or operated by the same Person or by Persons under common control.
- (e) For the purpose of this definition, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.

(~~423843~~) Federal Ozone Non-Attainment Area (FONA) – That portion of San Bernardino County that lies within the lines which begin at:

- (a) The San Bernardino - Riverside County boundary, running north along the range line common to Range 3 East and Range 2 East;
- (b) Then west along the township line common to Township 2 North and Township 3 North;
- (c) Then north along the San Bernardino - Los Angeles County Boundary and the San Bernardino - Kern County Boundary;
- (d) Then east along latitude 35 degrees, 10 minutes north;
- (e) Then south along longitude 115 degrees, 45 minutes west, and west along the San Bernardino - Riverside County Boundary.

(44) Fixed Roof Tanks - A storage tank with a roof that is permanently affixed to the shell of the storage tank. [New to D2. definition from Yolo-Solano Rule 2.21 09/14/16]

(45) Floating Roof Tanks:

(a) External Floating Roof - A vapor loss control device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge. [New to D2. *Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97*]

(2b) Internal Floating Roof - A vapor loss control device consisting of a fixed roof with an internal-floating-type cover which prevents the release or emission to the atmosphere of organic vapors or gases at an efficiency equivalent to an approved External Floating Roof closure device. [New to D2. *Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97. Numbering format changed pursuant to USEPA comment.*]

(4346) Flow Coater – A Coating application system with no air supplied to the nozzle and where the paint flows over the part and the excess Coating drains back into the collection system. [Derived from MDAQMD Rule 1117 and used in the current amendment of Rule 1115.]

(443947) Fugitive Dust – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.

(45048) Fugitive Liquid Leak – A dripping of liquid organic compounds at a rate in excess of three (3) drops per minute from any single leak source other than the disconnect operations of liquid fill line and vapor line.

(46149) Fugitive Vapor Leak – An escape of organic vapors from a source other than the tank truck, trailer or railroad tank car when measured in excess of 3,000 ppm (instrument calibrated with propane) above background at a distance of two (2) centimeters (0.8 inch) from the source for more than ten (10) seconds duration, or equivalent test method as determined by the APCO. (Background is the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and uninfluenced by any specific emission source.) A “fugitive vapor leak source” does not include liquid spillage or condensate resulting from “fugitive liquid leaks”.

(47250) Gasoline – Any organic liquid including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.

(48351) Gasoline Storage-Transfer and Dispensing Facility – ~~Any aggregate of one or more stationary storage containers~~ is a mobile system or stationary facility, consisting of one or more storage tanks and associated equipment, which receive, store and dispense gasoline; together with, but not limited to, dispensers, pumps, loading racks and/or control equipment used to store and transfer gasoline. [new to D2. *Definition updated*]

*based on SCAQMD Rule 461, 4/6/2012. Typographical error corrected pursuant to USEPA comment.*

- (~~49~~452) Gasoline Vapors – The organic compounds of gasoline, which exist in a vapor state including, where present, entrained liquid gasoline.
- (~~450~~53) Hearing Board – The Hearing Board of the Mojave Desert Air Quality Management District.
- (~~514~~654) Heat Input – The chemical heat released due to fuel combustion in a Permit Unit, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
- (~~524~~755) Higher Heating Value (HHV) – The total heat liberated, including the heat of condensation of water, per mass of fuel burned (Btu per pound) when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to standard conditions.
- (~~534~~856) High-Volume, Low-Pressure (HVLV) – A coating application system which is operated at air pressures between 0.1 and 10 pounds per square inch gauge (psig) measured dynamically at the center of the air cap and at the air horns.
- (~~544~~957) Increments of Progress – Steps to be taken by an owner or operator to bring a source of air contaminants into compliance. See definition of “Schedule of Increments of Progress”.
- (~~58~~) Liquid Tight - A liquid leak rate of no more than 3 drops per minute. [New to D2. definition updated based on , Yolo-Solano Rule 2.22 01/14/15, Placer Rule 214 02/22/13, SCAQMD Rule 461, 4/6/2012]
- (~~550~~59) Loading Facility – Any aggregation or combination of organic liquid loading equipment which is under the control of one person at a single location.
- (~~561~~60) Mobile Fueler – Is any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank. [New to D2. Definition obtained from SCAQMD Rule 461, 4/6/2012]
- (~~61~~) Mojave Desert Air Quality Management District – The independent special district responsible for all aspects of air quality management as defined in Health and Safety Code §39038.3 and created pursuant to Chapter 13 (commencing with §41200) of Part 3, within that region of California within the boundaries as defined in Rule 103. See Rule 103 – *Description of District Boundaries*.
- (~~572~~62) Motor Vehicle – Any self-propelled vehicle, including, but not limited to cars, trucks, buses, golf carts, vans, motorcycles, recreational vehicles, tanks, and armored personnel carriers as defined in Sections 415 and/or 670 of the California Vehicle Code. A vehicle which is self-propelled. See Registered Motor Vehicle. [See Rule 1116 and referenced CVC sections.]

- | (~~583~~63) Multiple Chamber Incinerator – Any Equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.
  
- | (~~594~~64) Non-Absorbent Container – A container made of non-porous material that does not allow the migration of Solvents through it.
  
- | (~~605~~65) Oil-Effluent Water Separator – Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
  
- | (~~561~~66) Operator – That person in charge of a particular operation subject to air pollution control. See definition of “Owner”.
  
- | (~~625~~767) Organic Liquid – Any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions. [New to D2. Definition moved from MDAQMD Rule 461]
  
- | (~~68~~) Organic Materials – Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
  
- | (~~635~~869) Organic Solvents – Includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point higher than 104 °C (219 °F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104 °C (219 °F).
  
- | (~~645~~970) Overall Control Efficiency (CE) – The ratio of the weight of a Regulated Air Pollutant removed by an emission control system to the total weight of that Regulated Air Pollutant emitted from a controlled operation, both measured simultaneously.
  
- | (~~650~~71) Owner – That person ultimately responsible for a particular operation. Typically, "Owner/Operator" refers to any person in control or responsible for operations subject to air pollution control. See definition of “Person”.
  
- | (~~661~~72) Oxides of Nitrogen (NO<sub>x</sub>) – The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide (NO<sub>2</sub>).
  
- | (~~672~~73) Particulate Matter (PM) – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
  
- | (~~683~~74) Particulate Matter (PM<sub>10</sub>) – Particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers as measured by a reference method based

on appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method.

(~~69475~~) Particulate Matter (PM<sub>2.5</sub>) – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers as measured by a reference method based on appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method.

(~~706576~~) Parts Per Million (ppm) – Parts per million.

(~~716677~~) Parts per Million by Volume (ppmv) – The number of gas molecules of a given species, or group, in one million total gas molecules.

(~~67278~~) Permit Unit – Any Emissions Unit or equipment which is required to have a Permit to Operate pursuant to District Rule 203 – *Permit to Operate*.

(~~736879~~) Person – Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal Law.

(~~746980~~) Photochemically Reactive Solvent – Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

- (a) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene; five (5) percent;
- (b) A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: eight (8) percent;
- (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(~~75081~~) Potential to Emit (PTE) – The maximum capacity of a Facility to emit any air pollutant under its physical and operational design. Calculation methods, inclusions and exclusions are program specific and can be found in other District Rules.

(~~761~~82) Precursor – A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Ammonia	(a) PM <sub>10</sub> and PM <sub>2.5</sub>
Hydrocarbons and substituted hydrocarbons (Reactive Organic Compounds and Volatile Organic Compounds)	(a) Photochemical oxidant (ozone, O <sub>3</sub> ) (b) The organic fraction of PM <sub>10</sub> and PM <sub>2.5</sub>
Nitrogen oxides (NO <sub>x</sub> )	(a) Nitrogen dioxide (NO <sub>2</sub> ) (b) The nitrate fraction of PM <sub>10</sub> and PM <sub>2.5</sub> (c) Photochemical oxidant (ozone, O <sub>3</sub> )
Sulfur oxides (SO <sub>x</sub> )	(a) Sulfur dioxide (SO <sub>2</sub> ) (b) Sulfates (SO <sub>4</sub> ) (c) The sulfate fraction of PM <sub>10</sub> and PM <sub>2.5</sub>
Hydrogen Sulfide (H <sub>2</sub> S)	<a href="#">(a) Sulfur dioxide (SO<sub>2</sub>)</a> <a href="#">(b) Sulfates (SO<sub>4</sub>)</a> <a href="#">(c) The sulfate fraction of PM<sub>10</sub> and PM<sub>2.5</sub></a>

[\[Table modified for clarification pursuant to USEPA comment.\]](#)

(~~727~~83) Predictive Emissions Monitoring System (PEMS) – The equipment necessary to monitor process and Emission Control Equipment operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(~~788~~4) “Pressure/Vacuum Relief Valve” – A valve that is installed on the vent pipes of the Gasoline storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum. [\[Derived from AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08\]](#)

(~~793~~85) Process Weight – The total weight of all materials introduced into any specific process which may discharge contaminants into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and air will not.

(~~8074~~86) Process Weight per Hour – The total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(~~8175~~87) Rated Brake Horsepower – The continuous brake horsepower rating specified for the engine by the manufacturer or listed on the nameplate of the unit, unless otherwise



physically limited and specified by a condition on the engine's permit or District registration.

(~~827688~~) Rated Heat Input – The Heat Input capacity (in MMBtu/hr) specified on the nameplate of the unit, unless:

- (a) The unit is limited by permit condition to a lesser Heat Input than specified on the nameplate, in which case the limiting condition shall be used as the Rated Heat Input; or
- (b) The unit is operated above the Heat Input capacity specified on the nameplate, in which case the maximum operated rate shall be used as the Rated Heat Input.

(~~837789~~) Reasonably Available Control Technology (RACT) – The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(~~78490~~) Receptor Area – That specified geographic area in which the air contaminants emitted from a source area are present or to which they may be transported.

(~~857991~~) Reduction of Animal Matter – Any heated process used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.

(~~86092~~) Registered Motor Vehicle – Any motor vehicle which is registered or requires registration for use on the highway.

(~~87193~~) Regulated Air Pollutant – Any Air Pollutant that is subject to the provisions of State or Federal law or the regulations promulgated thereunder. Inclusion and exclusions of particular Air Pollutants are program specific and can be found in other District Rules.

(~~88294~~) Regulation – Any of the major subdivisions of the Rules of the Mojave Desert Air Quality Management District.

(~~89395~~) Retail Gasoline Station – Any motor vehicle refueling facility subject to payment of California sales tax on gasoline sales.

(~~9096~~) Roll Coater -- A type of Application Equipment in which a series of mechanical rollers form a thin Coating film on the surface of a roller, which is subsequently applied to a substrate by moving the substrate underneath the roller. [Derived from MDAQMD Rule 1117 and used in the current amendment of Rule 1115.]

(~~918497~~) Rule – A rule of the Mojave Desert Air Quality Management District.

(~~928598~~) Schedule of Increments of Progress – A statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:



- (a) The date of submittal of the final plan for the control of emissions of air contaminants from that source to the District.
- (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
- (c) The date of initiation of on-site construction or installation of emission control equipment or process change.
- (d) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
- (e) The date by which final compliance is to be achieved.
- (f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.

| (~~938699~~) Solid Particulate Matter – Particulate matter which exists as a solid at standard conditions.

| (~~9487100~~) Solvent – Any liquid containing a Volatile Organic Compound or combination of Volatile Organic Compounds, which is used as a diluent, thinner, dissolver, viscosity reducer, cleaning agent, or for other similar uses. A Solvent may be a single compound or a blend of two (2) or more compounds.

| (~~9588101~~) Source Area – That specified geographic area in which air contaminants are emitted.

| (~~896102~~) South Coast Air Quality Management District (SCAQMD) – The air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).

| (~~970103~~) Standard Conditions – A gas temperature of 15.5 °C (60 °F) and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.

| (~~104~~) Submerged Fill Loading - is a type of organic liquid loading operations where the discharge opening is completely submerged when the liquid level above the bottom of the vessel is eight centimeters (3.2 inches) or higher. [New to D2. Definition from SCAQMD Rule 462 – Organic Liquid Loading, 5/14/1999]

| (~~981105~~) Submerged Fill Pipe – Any fill pipe the discharge opening of which is completely submerged when the liquid level is 15 centimeters six (6) inches) above the bottom of the container or when applied to a container which is loaded from the side, it means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container.

(~~992~~106) Switch Loading – A transfer of organic liquids with a vapor pressure of less than 77.5 mm HG (1.5 psia) under actual loading condition into any tank truck, trailer or railroad tank car that was previously loaded with an organic liquid with a vapor pressure of 77.5 mm HG (1.5 psia) or greater.

(~~10093~~107) Tank Replacement – The removal and installation of a new or another storage tank.

(~~10194~~108) Touch-Up Coating – Any coating used to cover minor imperfections appearing after the main coating operation.

(~~10295~~109) Throughput – The mass or volume of a material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc.

(110) True Vapor Pressure - The true vapor pressure under actual storage conditions as determined by the test method ASTM D-323-82. [*Placer APCD, Rule 212 – Storage of Organic Liquids, 6/19/97*]

(~~103~~111) United States Environmental Protection Agency (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.

(~~10496~~112) Vapor Recovery System – A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors.

(~~105~~113) Vapor Recovery System Efficiency – ~~means~~ †The estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s), in the Authority To Construct (ATC) and/or the Permit To Operate (PTO) of an emissions unit or process. Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency. [*Derived from AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08*]

(~~106~~114) Vapor Tight – ~~means~~ †The detection of less than 10,000 ppm, as methane, using an appropriate hydrocarbon analyzer when sampling is performed according to the procedures specified in EPA Method 21. [*Derived from AVAQMD, Rule 461-Gasoline Transfer and Dispensing, 10/21/08*]

(~~1097~~115) Vehicle – A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(~~1098~~116) Volatile Organic Compound (VOC) – Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and Exempt Compounds.

[SIP: See SIP Table at <http://www.mdaqmd.ca.gov>]

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**Appendix “B”**  
**Public Notice Documents**

1. Proof of Publication – Daily Press, 09/22/2017
2. Proof of Publication – Riverside Press Enterprise, 09/22/2017

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## PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,  
County of San Bernardino**

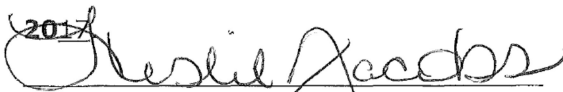
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

September 22

**All in the year 2017.**

**I certify (or declare) under penalty of perjury that the foregoing is true and correct.**

**Dated this: 22nd day of September,**

**2017**  


**Signature**

Leslie Jacobs

**This space is the County Clerk's Filing  
Stamp**

FILED  
MOJAVE DESERT AQMD  
CLERK OF THE BOARD

SEP 27 2017

BY 

## Proof of Publication of NOTICE OF HEARING

### NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2017 at 10:00 A.M. to consider the proposed amendment of Rule 102 - Definition of Terms, Rule 461 - Gasoline Transfer and Dispensing, Rule 462 - Organic Liquid Loading, Rule 463 - Storage of Organic Liquids, Rule 1115 - Metal Parts & Products Coating Operations, and Rule 1160 - Internal Combustion Engines.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated Staff Reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Polrie, APCO at the above office address. Written comments should be received no later than October 20, 2017 to be considered. If you have any questions regarding Rule 102 or Rule 1115 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. If you have any questions regarding Rules 461, 462,

1115 and 1160, further information. If you have any questions regarding Rule 1160 you may contact Sheri Haggard at extension 1864 for further information. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 - Definition of Terms is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 461, 462, 463, 1115 and 1160 are proposed for amendment to satisfy 42 U.S.C. §87511a (Federal Clean Air Act (CAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

Published in the  
Daily Press  
September 22, 2017  
(F-95)

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

## PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

### PROOF OF PUBLICATION OF

Ad Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/22/2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: September 22, 2017  
At: Riverside, California

  
Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD  
14306 PARK AVE  
ATTN: D. HERNANDEZ  
VICTORVILLE, CA 92392

Ad Number: 0011012355-01

P.O. Number:

### Ad Copy:

#### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 23, 2017 at 10:00 A.M. to consider the proposed amendment of Rule 102 - Definition of Terms, Rule 461 - Gasoline Transfer and Dispensing, Rule 462 - Organic Liquid Loading, Rule 463 - Storage of Organic Liquids, Rule 1115 - Metal Parts & Products Coating Operations, and Rule 1160 - Internal Combustion Engines.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed rules and the associated Staff Reports are on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Polniez, APCO at the above office address. Written comments should be received no later than October 20, 2017 to be considered. If you have any questions regarding Rule 102 or Rule 1115 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. If you have any questions regarding Rules 461, 462, or 463 you may contact Michelle Zumwalt at extension 5756 for further information. If you have any questions regarding Rule 1160 you may contact Sheri Haggard at extension 1864 for further information. Traducción esta disponible por solicitud.

The proposed amendment of Rule 102 - Definition of Terms is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

Rules 461, 462, 463, 1115 and 1160 are proposed for amendment to satisfy 42 U.S.C. §6751(c) (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Techniques Guidelines (CTG) and for major sources of ozone precursors.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

9/22

FILED  
MOJAVE DESERT AQMD  
CLERK OF THE BOARD

SEP 27 2017

BY 

## **Appendix “C”**

### **Public Comments and Responses**

1. EPA comments on Mojave Desert AQMD Draft Rule 102, Definition of Terms, scheduled for adoption on October 23, 2017.



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## 1. EPA Comment

### Tracy Walters

**From:** Law, Nicole <Law.Nicole@epa.gov>  
**Sent:** Monday, September 25, 2017 4:23 PM  
**To:** Tracy Walters; Alan De Salvio; Brad Poiriez; Sutkus, Carol@ARB; ariel.fideldy@arb.ca.gov  
**Cc:** Steckel, Andrew  
**Subject:** EPA comments on Mojave Desert AQMD draft Rule 102, Definition of Terms, scheduled for adoption on October 23, 2017

Hi Tracy,

We provide comments below on the draft revisions to Rule 102 provided to us by email from you on September 12, 2017. Numbers in parentheses refer to the paragraph number in the draft rule. Feel free to contact me at (415) 947-4126 with any questions regarding these comments.

Sincerely,  
Nicole Law

(1) *Actual Emissions* – We believe this and several other definitions in Rule 102 will be superceded for use in Mojave’s permit requirements by definitions in Rule 1301, “NSR Definitions.” If these terms are only used in Mojave’s Regulation 13, consider removing them from Rule 102.

1 → (13) *Boiler or Steam Generator* – Correct the typo as: “Boiler or Steam Generator does not include andy waste heat...”

(18) *Carbon Monoxide (CO)* – Consider deleting this definition because: (a) the term is commonly understood, (b) other compounds might also meet the definition currently provided in Rule 102, and (c) South Coast, Bay Area, San Joaquin and other Districts do not define the term in their analogous definition rules.

(19) *CARB certified (Certified by CARB)* – We understand this definition is used in South Coast Rule 461 with respect to Phase I and Phase II transfers. However, it seems it would now also be relied on by Mojave Rule 462, which applies to bulk terminal and bulk plant transfers (e.g., draft Rule 462 (C)(1)(a)(i)). It is not clear that referring to Phase I and Phase II VR is appropriate for bulk terminal/plant transfers. Consider deleting the reference to Phase I/II.

(20) *Certified Vapor Recovery System* - This definition seems redundant to the more comprehensive and specific definition (19). Consider deleting (20), combining it with (19), or revising the references to “CARB certified” in Rules 461 and 462 to be clear which definition is being used.

2 → (26) *Continuous Emissions Monitoring System* – Consider revising “...requirements of this rule,” since “this rule” would seem to refer to Rule 102, which doesn’t have any CEMS requirements.

3 → (27) *Control Device Efficiency* – This definition applies only to VOC. Consider whether the term might also be used by Mojave for any other pollutant.

4 → (41) *Existing Facility* – Consider revising to, “... as of the date of adoption of rules related to such facility, unless otherwise specified in the rules...”

5 → (45)(2) *Internal Floating Roof* – Consider revising numbering to (45)(b). Also, this definition is confusing because “floating roof” seems to refer to both the outer fixed roof and the roof resting on liquid. Consider revising consistent with EPA’s model rule definition: “A cover or roof in a fixed roof tank that rests upon or is floated upon the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between roof edge and tank

shell." Lastly, it is unclear how devices would be "approved" as provided in the definition, or who would do the approving.

(47) *Fugitive Dust* – Consider revising, e.g., similar to San Joaquin Rule 8011.

(49) *Fugitive Vapor Leak* – Please remove Executive Officer discretion for an alternative test method. e.g., cite EPA Method 21 (see SCAQMD Rule 462), include criteria to determine equivalent test method, or add EPA and CARB for approval of equivalent test methods.

6

→ (51) *Gasoline Transfer and Dispensing Facility* – Correct the typo as, "...store and dispense..."

(62) *Motor Vehicle* – Consider revising to specify the date of the version of the CVC relied on for this definition.

(66) *Operator* and

(71) *Owner* – Consider replacing here and in the underlying rules with the clearer definition of owner/operator in CAA 112(a)(9), "...any person who owns, leases, operates, controls, or supervises a stationary source."

(74) *Particulate Matter (PM<sub>10</sub>)* – While this definition appropriately references the size of the particulate matter, it should also state that gaseous emissions are included. E.g., "Particulate matter with aerodynamic diameter less than or equal to a nominal ten (10) microns. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included." Also, the references to 40 CFR 50 appendix J are not appropriate because appendix J is designed to determine atmospheric concentrations of PM<sub>10</sub>.

(75) *Particulate Matter (PM<sub>2.5</sub>)* – See previous comment. In addition, the definition of "direct PM<sub>2.5</sub> emissions" in 40 CFR 51.1000 may be cited to better define this term.

(76) *Parts Per Million (ppm)* – Because there is a definition for the term "parts per million by volume," a definition for "parts per million by weight" may be helpful as well.

7

→ (82) *Precursor* – The placement of Hydrogen Sulfide spanning to columns in the table is confusing.

(84) *Pressure/Vacuum Relief Valve* – Consider whether this definition is overly narrow, and should be revised to apply to organic liquid storage tanks as well as gasoline storage. E.g., Mojave draft Rule 462 requires P/V valves on organic liquid storage tanks for bulk plant transfers (C)(2)(a)(iv), while this definition appears to only apply to gasoline. Additionally, Rule 463 requires certain organic liquid storage tanks be equipped with P/V valves in (C)(2). Definitions of P/V valves in other similar rules are more general. For example, Yolo-Solano Rule 2.21 defines P/V relief valves as, "a valve for relieving any pressure or vacuum exceeding acceptable limits."

(104) *Submerged Fill Loading* – Consider whether revisions could reduce potential confusion from defining two similar terms, "submerged fill loading" and "submerged fill pipe," which have different requirements.

(108) *Touch-Up Coating* – The District's recent redline version of Rule 1162 suggests that a definition of "Touch Up" is being moved to 102. However, Rule 102 defines "touch-up coating," not "touch up." Consider whether this difference could create potential confusion.

(110) *True Vapor Pressure* – This appears to provide an incorrect definition and test method. See, for example, San Joaquin Rule 4623, which states, "... the equilibrium partial pressure exerted by an organic liquid at storage temperature." Also, the test method referenced determines Reid vapor pressure, not True Vapor Pressure.

(113) *Vapor Recovery System Efficiency* – Other Districts typically define vapor recovery system, and then specify a vapor recovery efficiency percent or an emissions limit as a requirement in the rule. Also, it is not obvious why definition references to ATC and PTO. Consider deleting this definition altogether, or revising it to clarify and to remove the ATC/PTO references.

(114) *Vapor tight* - Consider revising the 10,000 ppm level consistent with analogous definitions in other areas. For example, Yolo-Solano Rule 2.21 uses 1,000 ppmv above background, calibrated with methane, and South Coast Rule 463 uses 500 ppm.

Nicole Law  
Rules Office, Air Division  
U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, 94105  
Office: (415) 947-4126

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1. District response to EPA Comment
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It is intended that Rule 102 will be amended in conjunction with January 22, 2018 rule amendments. The balance of more substantive changes noted in EPA comments will be addressed at this time. Several comments address non-substantive typographical and formatting errors that are easily corrected and incorporated in the current rule amendment. These changes are noted as follows:

1. Typographical error corrected.
2. Reference to “of this rule” removed since there are no CEMS requirements in this rule, but rather in a specific rule or regulation in the MDAQMD Rule Book
3. “VOC” changed to “pollutant” as suggested.
4. Added suggested language for clarification as suggested.
5. Numbering format changed for consistency.
6. Typographical error corrected.
7. Precursor Table modified for clarification.

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**Appendix “D”**  
California Environmental Quality Act  
Documentation

1. Notice of Exemption – San Bernardino County, 10/31/2017
2. Notice of Exemption – Riverside County, 10/31/2017



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## Mojave Desert Air Quality Management District

**DATE FILED & POSTED** 14306 Park Avenue, Victorville, CA 92392-2310  
Posted On: 10-31-2017 760.245.1661 • fax 760.245.2699

Removed On: 12-12-2017

Visit our web site: <http://www.mdaqmd.ca.gov>

Receipt No: 36-103117-643

Brad Poiriez, Executive Director

### NOTICE OF EXEMPTION

**TO:** County Clerk  
San Bernardino County  
385 N. Arrowhead, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415

**FROM:** Mojave Desert  
Air Quality Management District  
14306 Park Ave  
Victorville, CA 92392-2310

☒ MDAQMD Executive Office Manager

**PROJECT TITLE:** Amendment of Rule 102 – *Definition of Terms*.

**PROJECT LOCATION – SPECIFIC:** San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

**PROJECT LOCATION – COUNTY:** San Bernardino and Riverside Counties

**DESCRIPTION OF PROJECT:** The proposed amendment of Rule 102 – *Definition of Terms* is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Mojave Desert AQMD

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Mojave Desert AQMD

**EXEMPT STATUS (CHECK ONE)**

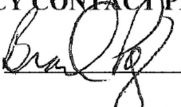
Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

☒ Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

**REASONS WHY PROJECT IS EXEMPT:** The proposed amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

**LEAD AGENCY CONTACT PERSON:** Brad Poiriez **PHONE:** (760) 245-1661

**SIGNATURE:**  **TITLE:** Executive Director **DATE:** October 23, 2017

**DATE RECEIVED FOR FILING:**

City of Adelanto	Town of Apple Valley	City of Barstow	City of Blythe	City of Hesperia	City of Needles	County of Riverside	County of San Bernardino	City of Twentynine Palms	City of Victorville	Town of Yucca Valley
---------------------	-------------------------	--------------------	-------------------	---------------------	--------------------	------------------------	--------------------------------	--------------------------------	------------------------	-------------------------



Mojave Desert Air  
14306 Park Ave

FILED / POSTED

County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder

E-201701404  
10/31/2017 11:26 AM Fee: \$ 50.00  
Page 1 of 1

Removed: By: Deputy

## NOTICE OF EXEMPTION

**TO:** Clerk/Recorder  
Riverside County  
3470 12th St.  
Riverside, CA 92501

**FROM:** Mojave Desert  
Air Quality Management District  
14306 Park Ave  
Victorville, CA 92392-2310

X MDAQMD Executive Office Manager

**PROJECT TITLE:** Amendment of Rule 102 – *Definition of Terms*.

**PROJECT LOCATION – SPECIFIC:** San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

**PROJECT LOCATION – COUNTY:** San Bernardino and Riverside Counties

**DESCRIPTION OF PROJECT:** The proposed amendment of Rule 102 – *Definition of Terms* is necessary to shift common definitions used in the MDAQMD rulebook to Rule 102, and to update them for consistency and clarity.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Mojave Desert AQMD

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Mojave Desert AQMD

### EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

**REASONS WHY PROJECT IS EXEMPT:** The proposed amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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**SIGNATURE:** **TITLE:** Executive Director **DATE:** October 23, 2017

**DATE RECEIVED FOR FILING:**

City of Adelanto	Town of Apple Valley	City of Barstow	City of Blythe	City of Hesperia	City of Needles	County of Riverside	County of San Bernardino	City of Twentynine Palms	City of Victorville	Town of Yucca Valley
---------------------	-------------------------	--------------------	-------------------	---------------------	--------------------	------------------------	--------------------------------	--------------------------------	------------------------	-------------------------

## Appendix “E”

### Bibliography

The following documents were consulted in the preparation of this staff report.

1. MDAQMD Rule 461 – *Gasoline Transfer and Dispensing*
2. MDAQMD Rule 462 – *Organic Liquid Loading*
3. MDAQMD Rule 463 – *Storage of Organic Liquids*
4. MDAQMD Rule 1115 – *Metal Parts & Products Coating Operations*
5. MDAQMD Rule 1160 – *Internal Combustion Engines*

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